

UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF PENNSYLVANIA

EDWARD DIPPLE,	)	
	)	
Plaintiff,	)	
	)	
v.	)	
	)	Case No.12-cv-01415
MICHAEL R. ODELL, et al.	)	
	)	
	)	
Defendants.	)	

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ASTOR BK REALTY TRUST and LINDA	)	
DICKENS, individually, and derivatively on	)	
behalf of THE PEP BOYS - MANNY, MOE &	)	
JACK,	)	
	)	
Plaintiff,	)	
	)	Case No. 12-cv-01417
v.	)	
	)	
MICHAEL R. ODELL, et al.	)	
	)	
Defendants.	)	

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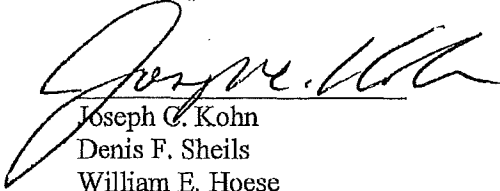
JOHN CHEVEDDEN,	)	
	)	
Plaintiff,	)	
	)	Case No. 12-cv-01488
v.	)	
	)	
THE PEP BOYS - MANNY, MOE &	)	
JACK, et al.	)	
	)	
Defendants.	)	

**STIPULATION REGARDING PROPOSED CASE MANAGEMENT ORDER**

Plaintiffs and Defendants in the above captioned cases, having conferred, hereby agree and stipulate, subject to the Court's approval, to entry of an order in the form

attached hereto, consolidating these related cases, setting a schedule for initial proceedings, and appointing lead counsel for the plaintiffs.

Dated: April 4, 2012



Joseph C. Kohn  
Denis F. Sheils  
William E. Hoese  
Barbara L. Moyer  
KOHN SWIFT & GRAF, P.C.  
One South Broad Street, Suite 2100  
Philadelphia, PA 19107  
Tel: (215) 238-1700



Marc J. Sonnenfeld, Esquire  
Timothy D. Katsiff, Esquire  
MORGAN LEWIS & BOCKIUS LLP  
1701 Market Street  
Philadelphia, Pennsylvania 19103

*Attorneys for Defendants*

Gregory M. Nespole  
Matthew M. Guiney  
Alan D. Weiss  
Lydia A. Keaney  
WOLF HALDENSTEIN ADLER  
FREEMAN & HERZ LLP  
270 Madison Avenue  
New York, NY 10016  
Tel: (212) 545-4600

Benjamin Y. Kaufman  
MILBERG LLP  
One Pennsylvania Plaza, 49th Floor  
New York, NY 10119  
Tel: (212) 594-5300

*Attorneys for Plaintiff Edward Dipple*

Jacob A. Goldberg  
Sandra G. Smith  
FARUQI & FARUQI, LLP  
101 Greenwood Avenue, Suite 600  
Jenkintown, PA 19046  
Tel. (215) 277-5770

*Attorneys for Plaintiff John Chevedden*

Donald J. Enright, Esq.  
LEVI & KORSINSKY LLP  
1101 30th Street, NW, Suite 115  
Washington, DC 20007  
Tel: (202) 524-4290

Krishna B. Narine  
MEREDETH & NARINE  
1521 Locust Street, 8<sup>th</sup> Floor  
Philadelphia, PA 19103  
Tel. (215) 564-5182

*Attorneys for Plaintiffs Astor BK Realty  
Trust and Linda Dickens*

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EASTERN DISTRICT OF PENNSYLVANIA

EDWARD DIPPLE,	)	
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Plaintiff,	)	
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v.	)	
	)	Case No.12-cv-01415
MICHAEL R. ODELL, et al.	)	
	)	
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Defendants.	)	
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ASTOR BK REALTY TRUST and LINDA	)	
DICKENS, individually, and derivatively on	)	
behalf of THE PEP BOYS - MANNY, MOE &	)	
JACK,	)	
	)	
Plaintiff,	)	
	)	Case No. 12-cv-01417
v.	)	
	)	
MICHAEL R. ODELL, et al.	)	
	)	
Defendants.	)	

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JOHN CHEVEDDEN,	)	
	)	
Plaintiff,	)	
	)	Case No. 12-cv-01488
v.	)	
	)	
THE PEP BOYS - MANNY, MOE &	)	
JACK, et al.	)	
	)	
Defendants.	)	

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**CASE MANAGEMENT ORDER CONSOLIDATING THE RELATED  
ACTIONS, SETTING AN INITIAL SCHEDULE AND APPOINTING LEAD  
PLAINTIFFS' COUNSEL**

WHEREAS, the above-captioned cases involve common questions of facts and law;

WHEREAS, in order to promote judicial economy and avoid duplication, the Court finds that it would be appropriate to consolidate the Actions;

WHEREAS, the parties have agreed upon a schedule for the initial proceedings; and

WHEREAS, counsel for Plaintiffs in all the consolidated Actions have agreed upon a Lead Counsel for all actions;

NOW, THEREFORE, IT IS HEREBY ORDERED:

**A. CONSOLIDATION OF RELATED ACTIONS**

1. The above captioned Actions currently pending before this Court are consolidated for pretrial purposes pursuant to Fed. R. Civ. P. 42(a) as they involve common questions of fact, and consolidating them will avoid unnecessary costs and delay. The consolidated cases shall be captioned *Dipple, et al. v. Odell et al.*, No. 12/cv-01415, the first filed of the related actions.

2. This Case Management Order No. 1 for the consolidated actions ("Order") shall apply as specified to each related case that is subsequently filed in this Court or transferred to this Court and is consolidated with the *Dipple* Action.

3. This Court requests the assistance of counsel in calling to the attention of the Clerk of this Court the filing or transfer of any case that might properly be consolidated as part of the *Dipple* Action, No. 12-cv-01415.

4. When a case that arises out of or relates to the same subject matter as the *Dipple* Action is hereinafter filed in this Court or transferred from another court, the Clerk of this Court shall:

- a. place a copy of this Order in the separate file for such action;
- b. mail, telecopy or send via electronic mail a copy of this Order to the attorneys for the plaintiff(s) in the newly-filed or transferred case and to any new defendant(s) in the newly-filed or transferred case; and
- c. make the appropriate entry in the docket for Case No. 12-cv-1415.

5. Each Action that arises out of or relates to the same subject matter of the *Dipple* Action that has been or is subsequently filed in or transferred to this Court, shall be consolidated with the Actions and this Order shall apply thereto, unless a party objects to consolidation, or any provision of this Order. Any objection to this Order shall be made within ten (10) days after the date upon which a copy of this Order is served on counsel for any party, by filing an application for relief with the Court. Nothing in the foregoing shall be construed as a waiver of any defendant's right to object to consolidation of any previously filed or transferred related action.

**B. ORGANIZATION OF PLAINTIFFS' COUNSEL**

6. The Court appoints Kohn, Swift & Graf, P.C. as Lead Counsel for the Plaintiffs in the consolidated actions.

7. Filing of papers via the Court's ECF system shall be deemed to satisfy the service requirement as to all parties whose counsel receive ECF notices electronically. All attorneys of record must register for ECF and must file an appearance through the ECF system. No service is required on any party not registered for ECF. Service of any

document which is not electronically filed via ECF shall be made on plaintiffs by serving a copy of the paper by overnight mail service, electronic mail, telecopy or hand delivery on Lead Counsel; if service is to be made on a defendant, such service can be made via serving a copy of the paper by overnight mail service, electronic mail, telecopy or hand delivery on counsel for the defendant.

**C. INITIAL SCHEDULE OF PROCEEDINGS**

8. Plaintiffs shall file a Consolidated Complaint on or before April 10, 2012.

9. Defendants shall answer, move, or otherwise plead in response to the Consolidated Complaint within seven (7) days after the filing of the Consolidated Complaint and shall not be required to respond to any of the pending complaints or any complaints filed in related actions that are subsequently filed in, or transferred to, this District and consolidated into this action.

10. Plaintiffs shall respond, if so required, to such motion or pleading within fourteen (14) days after the date of service of such motion or pleading.

11. Defendants may respond to any opposition memorandum filed by Plaintiffs within seven (7) days after the service of such opposition memorandum.

BY THE COURT:

Dated: April, \_\_ 2012

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Hon. William H. Yohn, J.  
United States District Judge